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Diaz, Burns and Clark

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

DORA SOLARES,

Plaintiff,

v.

RALPH DIAZ, et al.,

Defendants.

Case No. 1:20-cv-00323-NONE-BAM

**NOTICE OF MOTION TO DISMISS
PLAINTIFF'S FIRST AMENDED
COMPLAINT**

Date: July 28, 2020
Judge: The Honorable Dale A. Drozd
Trial Date: Not set
Action Filed: March 2, 2020

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on July 28, 2020 Defendants Diaz, Burns, and Clark will move, under Federal Rules of Civil Procedure 12(b)(6) and 12(b)(7), for dismissal of Plaintiffs' complaint on the grounds that (1) Plaintiff fails to allege sufficient facts to state a federal-law claim against all Defendants; (2) Defendants are entitled to qualified immunity from Plaintiff's federal-law claims; (3) Plaintiff fails to allege sufficient facts to state a state-law claim against Defendants Diaz and Clark; (4) Defendants Diaz and Clark are entitled to statutory immunity from Plaintiff's state-law claims; (5) Plaintiff fails to plead recoverable damages for the negligent

1 supervision claim; (6) the Court should decline to exercise supplemental jurisdiction over
2 Plaintiff's state-law claims; and (7) Plaintiff has failed to join a required party. Please take
3 further notice that, pursuant to the Court's general order 618, this motion will be decided on the
4 papers, unless otherwise ordered, and the hearing date listed above serves only to set the due
5 dates for the opposition and reply.

6 The motion is based on this notice, the memorandum of points and authorities and all
7 documents attached thereto, the pleadings, records and files in this action, and such other matters
8 as may properly come before the Court.

9 Dated: June 22, 2020

Respectfully submitted,

10 XAVIER BECERRA
11 Attorney General of California
12 JON S. ALLIN
13 Supervising Deputy Attorney General
14 ALLISON LOW
15 Deputy Attorney General

/s/ Jeremy Duggan

16 JEREMY DUGGAN
17 Deputy Attorney General
18 *Attorneys for Defendants*
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